



## City of Seattle

Edward B. Murray, Mayor

### Department of Planning and Development

Diane M. Sugimura, Director

## CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

**Application Number:** 3017221

**Applicant Name:** Einar Novion

**Address of Proposal:** 5421 49<sup>th</sup> Ave SW

### **SUMMARY OF PROPOSED ACTION**

Land Use Application to allow two, single family residences in an environmentally critical area. Parking for two vehicles to be provided within each structure (total of 4 parking spaces). Existing structure will be demolished. Environmental Review includes future unit lot subdivision.

**Environmentally Critical Areas Administrative Conditional Use** — to include environmentally critical areas and buffers in calculating the maximum number of lots and units allowed on the parcel (SMC 25.09.260)

**SEPA** — Environmental Determination (SMC Chapter 25.05)

**SEPA DETERMINATION:** ☐ Exempt ☒ DNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

### **BACKGROUND DATA**

Zoning: Single Family Residential (SF7200).

Uses on Site: Vacant single family residence

#### **Substantive Site Characteristics**

The subject site is a midblock property located on the west side of 49<sup>th</sup> Ave SW between SW Brandon St and SW Findlay St. The site is zoned Single Family 7200 (SF7200), and this zone continues to the north, south, and west of the site. Single Family 5000 (SF5000) is located to the east of the site. The lot does not have alley access. All nearby streets are improved with curb, gutter, sidewalk, parking strip, and paving. Nearby uses are predominantly single family residences.

A steep slope Environmentally Critical Area (ECA) is located on the western portion of the site, which is part of a ridge that runs north and south of the property, and slopes down to the west toward Puget Sound. The site is also designated with a Wildlife ECA and a Potential Slide ECA.

### Description of Proposal

The applicant proposes to remove an existing single family residence and build two single family residences on the eastern portion of the 'parent' lot. The applicant is anticipated to also propose a unit lot subdivision of the property to create two unit lots.

The proposed 2,781 square foot residence on parcel A would be two stories with a below grade garage, accessed from a curb cut at 49<sup>th</sup> Ave SW. The proposed structure would be located 5 feet from the south property line, 20' from the east property line, and 8' from the proposed shared property line.

The proposed 2,925 square foot residence on parcel B would be two stories with a below grade garage, accessed from a curb cut at 49<sup>th</sup> Ave SW. The proposed structure would be located 5 feet from the north property line, 60' from the east property line, and 5' from the proposed shared property line. The structure has been placed 7.7' from the buffer line in order to maintain the full width of the 15' steep slope area buffer, per SMC 23.44.014.D.15 and 25.09.280.A.

Total lot coverage is 16% for the proposed structures on the 'parent' lot.

According to the survey provided by the applicant, the total area of the subject property is 15,627.4 square feet. On a site with no ECAs, (SMC 23.24), this is enough area to subdivide the property for two new lots meeting the lot area standards of the SF7200 zone. However, limitations on standard subdivisions are placed on sites with ECA's under SMC Section 25.09.240. SMC Section 25.09.240.E.2 requires that steep slope area be subtracted from the land area that can be counted towards the minimum lot size unless certain criteria are met. The applicant has chosen to apply for an Environmentally Critical Areas Administrative Conditional Use (SMC 25.09.260) to allow two residences on one 'parent' lot and is expected to apply for a future Unit Lot Subdivision (SMC 23.24.045). The ACU process allows consideration of smaller than required lot sizes and yards, as well as clustering of more than one dwelling unit per lot, if it is not practicable to meet the subdivision requirements of Section 25.09.240.B considering the parcel as a whole.

### Public Comment

Notice of application was issued on May 1, 2014. Twenty-three public comment letters were received, with concerns about the geotechnical information provided, slope stability, drainage and runoff, increased impervious surface, tree/vegetation removal, impacts to wildlife habitat, impact to views, and the impact of the architectural style on the neighborhood character and property values. The weblink to those comments and the application information is <http://web6.seattle.gov/dpd/edms/>

The Land Use Application information is also available at the Public Resource Center located at 700 Fifth Ave, Suite 2000<sup>1</sup>.

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<sup>1</sup> <http://www.seattle.gov/dpd/toolsresources/default.htm>

### Environmentally Critical Areas Regulations

SMC Section 25.09.180 provides specific standards for all development on steep slopes and steep slope buffers on existing lots, including the general requirement that development shall be avoided in these areas whenever possible.

General Requirements and standards are described in SMC 25.09.060 of the ECA ordinance and include the recording of conditions of approval, the recording of the identified ECA areas in a permanent covenant with the property as well as specific construction methods and procedures. The proposal must also comply with the specific requirements for development in areas with landslide potential areas (Section 25.09.080), wetlands (Section 25.09.160), steep slopes (Section 25.09.180), and trees and vegetation (Section 25.09.320). All decisions subject to these standards are non-appealable Type I decisions made by the Director (or designee) of DPD.

SMC Section 25.09.260 makes provision for an Environmentally Critical Areas Conditional Use Permit [ECA/ACU]. The development must be located outside of the ECA areas, existing habitat, and be compatible with the existing neighborhood. Relevant criteria are discussed below. ECA/ACU decisions, Unit Lot Subdivision decisions, and SEPA determinations are Type II decisions, which are subject to the provisions of SMC 23.76 and are appealable to the City Hearing Examiner.

### ANALYSIS — ENVIRONMENTALLY CRITICAL AREAS ADMINISTRATIVE CONDITIONAL USE

Section 23.42.042 of the Seattle Land Use Code authorizes review of conditional use permits according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Section 25.09.260 of the Environmental Critical Area (ECA) ordinance sets forth the review criteria for Administrative Conditional Use Permits (ACU) to create development with smaller than required lot sizes and yards, and/or more than one (1) dwelling unit per lot. Applicable review criteria and supporting analysis follows:

#### ***SMC 25.09.260. Environmentally Critical Areas Administrative Conditional Use.***

***B. Standards. The Director may approve an administrative conditional use for smaller than required lot sizes and yards, and/or more than one (1) dwelling unit per lot if the applicant demonstrates that the proposal meets the following standards:***

***1. Environmental Impacts on Critical Areas.***

***a. No development is in a riparian corridor, shoreline habitat, shoreline habitat buffer, wetland, or wetland buffer.***

There are no riparian corridors, shoreline habitat, shoreline habitat buffer, wetland, or wetland buffer on the subject property. No development is proposed in riparian corridor, shoreline habitat, shoreline habitat buffer, wetland, or wetland buffer. The proposal meets this criterion.

***b. No riparian management area, shoreline habitat buffer, or wetland buffer is reduced.***

The subject property does not include any riparian management area or shoreline habitat buffer, and the proposal would not reduce any wetland buffer. The proposal meets this criterion.

- c. No development is on a steep slope area or its buffer unless the property being divided is predominantly characterized by steep slope areas, or unless approved by the Director under Section 25.09.180.B2a, b or c.***

***1) The preference is to cluster units away from steep slope areas and buffers.***

The applicant is subject to the development standards in SMC 25.09. The DPD determination for the development request included a Steep Slope delineation, which clarified the top of slope and the required 15' buffer. The applicant intends to propose a unit lot subdivision with a 10,262.40 square foot unit lot (parcel B) and 5,365.00 square foot unit lot. Parcel B has included a construction buffer from the edge of the 15' steep slope buffer. These items are proposed in order to create development away from the steep slope and buffer. None of the proposed development (structures or excavation) would be located in the steep slope or buffer, as shown on the plans. The re-vegetation plan indicates plantings in areas outside the steep slope and 15' buffer. The proposal meets this criterion.

***2) The Director shall require clear and convincing evidence that the provisions of this subsection B are met when clustering units on steep slope areas and steep slope area buffers with these characteristics:***

- a) A wetland over fifteen hundred (1,500) square feet in size or a watercourse designated part of a riparian corridor; or***
- b) An undeveloped area over five (5) acres characterized by steep slopes; or***
- c) Areas designated by the Washington Department of Fish and Wildlife [WDFW] as urban natural open space habitat areas with significant tree cover providing valuable wildlife habitat.***

The proposal does not cluster the units on the steep slope or steep slope buffers. Furthermore, the proposed development does not include a wetland over 1,500 square feet in size, a watercourse, an undeveloped area over 5 acres in size characterized by steep slopes, or an area designated by WDFW as urban natural open space habitat. This criterion does not apply to the proposal.

***d. The proposal protects Washington State Department of Fish and Wildlife priority species and maintains wildlife habitat.***

No priority species have been determined to be at this site. The proposal includes structures and development on the eastern portion of the parent lot, away from the steep slope area. The western portion of the lot is characterized by steep slopes and vegetation, which provides opportunity for wildlife habitat. The steep slope areas will remain undisturbed during construction. Additional vegetation is proposed for the eastern portion of the lot, outside of the steep slope and buffer. The additional vegetation will provide additional habitat for wildlife. The proposal meets this criterion, subject to the conditions listed below.

***e. The open water area of a shoreline habitat, wetland or riparian corridor shall not be counted in determining the permitted number of lots.***

The wetlands described in response to SMC 25.09.260.B.1.a are located west of the subject property. The open water area of a shoreline habitat, wetland or riparian corridor are all located off the subject property, and are not counted in determining the permitted number of lots. The proposal meets this criterion.

- f. The proposal does not result in unmitigated negative environmental impacts, including drainage and water quality, erosion, and slope stability on the identified environmentally critical area and its buffer.*

All storm water runoff from impervious surfaces will be subject to a drainage control plan that complies with the City's Storm Water, Grading and Drainage Control Code. The proposed future construction must demonstrate to the DPD Drainage reviewer that it will be in compliance. The proposal meets this criterion.

- g. The proposal promotes expansion, restoration or enhancement of the identified environmentally critical area and buffer.*

The applicant has proposed to plant trees and vegetation in the eastern portion of the lot, outside of the steep slope and buffer. The proposal promotes restoration and enhancement of the identified environmentally critical area and buffer and therefore meets this criterion.

**2. General Environmental Impacts and Site Characteristics.**

- a. The proposal keeps potential negative effects of the development on the undeveloped portion of the site to a minimum and preserves topographic features.*

The potential negative effects of the development on the site have been kept to a minimum. The proposed grading is minimal and would occur in the non-steep slope areas of the site, outside of the ECA buffer, which therefore preserves topographic features. Potential negative effects have been minimized and conditioned through this review. The proposal meets this criterion.

- b. The proposal retains and protects vegetation on designated nondisturbance areas, protects stands of mature trees, keeps tree removal to a minimum, removes noxious weeds and protects the visual continuity of vegetated areas and tree canopy.*

The proposal does not include any development in the ECA areas. All the trees would be located outside of the designated non-disturbance area. The proposal meets this criterion.

**3. Neighborhood Compatibility.**

- a. The total number of lots permitted on-site shall not be increased beyond that permitted by the underlying single-family zone.*

The subject property is 15,627.40 square feet in size and the zoning of SF7200 requires minimum lot sizes of 7,200 square feet. The underlying single family zone permits two lots. The proposal is to remove the existing residential structure, build two residential structures, and to subdivide the property in the future into two unit lots. The two proposed unit lots are the number of lots that would be allowed on this site in this zone, if there were no environmentally critical areas. The proposal meets this criterion.

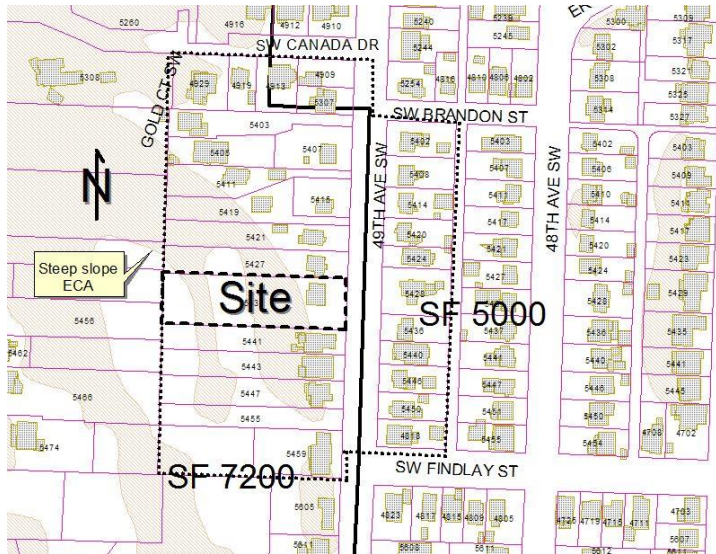
- b. Where dwelling units are proposed to be attached, they do not exceed the height, bulk and other applicable development standards of the Lowrise 1 (L-1) zone.*

There are no proposed attached dwelling units with this application. The criterion does not apply.

- c. The development is reasonably compatible with and keeps the negative impact on the surrounding neighborhood to a minimum. This includes, but is not limited to, concerns such as neighborhood character, land use, design, height, bulk, scale, yards, pedestrian environment, and preservation of the tree canopy and other vegetation.*

Neighborhood Character:

**Existing:** The neighborhood character of the surrounding area includes a range of sizes and styles of single family development with garages and mature trees and shrubs. The steep slope ECA that runs north-south along this area creates a physical buffer between the properties to the west and the uphill properties to the east. The area is zoned entirely for Single Family Residential and includes SF7200 and SF5000 zoning. The nearest zoning change is approximately 6 blocks to the east, to Neighborhood Commercial zoning at California Ave SW.



**Figure 1:** Lots analyzed (dotted line)  
For illustrative purposes only. The site is addressed at 5421  
(two lots north of the highlighted Site).

Lots with higher elevations in the SF7200 zone are developed to take advantage of views to the west. The steep slope that runs north-south in this area has limited development to the eastern portion of the lots on the west side of 49<sup>th</sup> Ave SW. Some of the larger lots have small percentages of lot coverage in response to the steep slope constraints. These lots also have higher amounts of mature vegetation, especially in the steep slope areas. The subject property (labeled “Site” in Figure 1) is in this zone. The existing residence at this site is approximately 936 square feet in size, one story tall, and has a 1,580 square foot footprint (house, deck, porch, and detached garage).

Lots in the SF5000 zone are generally smaller and less sloped than the lots in the SF7200 zone. The building footprints are similar to the footprints in the SF7200 zone, but the lot coverage percentages are generally higher, due to the smaller lot sizes and lack of steep slope. These lots generally have less mature vegetation and limited access to the views to the west.

Nearby residences have been built over time and include a large variety of sizes, heights, and architectural styles. Roads are paved and improved with sidewalks, curb, gutter, and planting strip.

**Proposed:** The proposed development includes removal of an existing residential structure and the construction of two single family residences with each structure having an attached 2 car garage.

The residence on parcel A would be 2,781 square feet in size, two stories tall, with approximately a 1,074 square foot footprint.

The residence on parcel B would be 2,925 square feet in size, two stories tall, with approximately a 1,157 square foot footprint.

Land Use:

**Existing:** Existing land use in the immediate area is almost entirely single family detached residences with attached and detached garages.

**Proposed:** The proposed development consists of the removal of one and the construction of two single family residences with an attached garage.

Design:

**Existing:** Existing development consists of a range of architectural single family styles, representing architecture from the early 20<sup>th</sup> century to recent styles. Examples of architectural styles in the immediate vicinity include: Colonial Revival, Contemporary, Craftsman Bungalow, Modern, Tudor and Tudor Revival.

**Proposed:** The proposed architectural styles at the subject property are Contemporary/Modern residences with a flat roof, front porches, garage door, and windows at the street facing façade.

**Height:** Height limits (SMC 23.44.012) are maximum 30' plus 5' for a 3:12 minimum sloped roof (35' total height), per Land Use Code requirements.

**Existing:** Residences in the analyzed area range from one to three stories tall (approximately 15' to 35' tall) and some include single story garages for one or more cars.

**Proposed:** The height of the proposed residences would be approximately 27 feet tall. The residences would be two stories tall with a below grade garage and partial daylight basement. The garage at the lower level would make the buildings appear to be three stories tall when viewed from the street.

**Bulk and Scale:** Bulk and scale is measured using a variety of methods, including lot size, size of structures, footprint, comparisons of structure to lot size, and modulation.

Analysis of Surrounding Neighborhood and Proposed Development	
Footprint of existing residence and detached garage on the site	1,508
Average footprint for proposed residences on the site	1,115
Average footprint for surrounding neighborhood	1,840
Average footprint SF7200	2,241
Average footprint SF5000	1,438
Lot coverage for existing residence on existing site	6%
Proposed lot coverage for the proposed residences, unit lot A plus unit lot B.	16%
Average lot coverage for surrounding neighborhood	17%
Average lot coverage (SF7200)	12%
Average lot coverage (SF5000)	21%

Lot size at existing site	15,628
Lot size of proposed unit lot A	5,365
Lot size of proposed unit lot B	10,262
Average lot size for surrounding neighborhood	8,928

Average lot size (SF7200)	11,165
Average lot size (SF5000)	6,690
Size of existing residence on site	936
Size of proposed residence on site A	2,781
Size of proposed residence on site B	2,925
Average residence size for surrounding neighborhood	1,840
<b>Average residence size (SF7200)</b>	<b>2,241</b>
<b>Average residence size (SF5000)</b>	<b>1,438</b>

**Existing:** Existing development in the area is commonly developed less intensely than allowed by the zoning standards. The pattern of lots developed far below zoning requirements is likely due to the views to the west, the large sizes of the lots, and the age of many of the single family structures.

Existing residences in the analyzed area are summarized using averages above. The size of individual residences varies greatly (ranging from 830 square feet to 4,170 square feet). Newer residences appear to be developed closer to Land Use Code maximums, and older residences appear to be underdeveloped for the site. The distribution of size of residences doesn't appear to have a clear pattern. As an example, four other residences in the surrounding neighborhood appear to be over 3,000 square feet in size, and seven other residences in the surrounding neighborhood appear to be less than 1,000 square feet in size.

**Proposed:** The proposed development would be developed more intensely than most existing neighborhood development, but would be developed at a lower amount than permitted under zoning standards, notwithstanding ECA development standards for steep slopes.

Proposed modulation: the front facade of the proposed residence as viewed from 49<sup>th</sup> Ave SW would be 30' wide, 40' long on the north façade and 36' long on the south facade. The proposed residence façade includes a porch, a balcony, windows, and other façade articulation.

In comparison, the existing residence on the subject property is 26' wide at the street frontage and 36' long on the north façade. The existing residence has less façade articulation than the proposed residence.

The existing residence is 936 square feet in size. The size, bulk, and scale of these residences are well within the range of residential development found in the surrounding neighborhood.

**Yards:** The Land Use Code includes the following yard requirements in SF 7200 zones for lots longer than 125 feet (SMC 23.44.014):

- Front: 20' minimum, or an average of adjacent properties' front yards
- Rear: 25' minimum
- Sides: 5' minimum

**Existing:** Residences on the west side of 49<sup>th</sup> Ave SW include smaller front and side yards, likely due to the location of the steep slope edge to the west. The front and side yards meet the Land Use Code requirements in this area. The rear yards coincide with the steep slope; therefore, the rear yards on this side of the street far exceed the Land Use Code requirement



in many cases. The rear yards on the east side of the street appear to be closer to the Land Use Code minimum. Generally, it appears that lots in this area conform to minimum Land Use Code requirements.

**Proposed:** The proposal has been analyzed as a parent lot which as a whole must meet yard requirements for two houses on one lot.

*Pedestrian Environment:*

Existing: The existing pedestrian environment is well developed and offers sidewalks connecting residents to services six blocks to the east at California Ave SW, as well as access to other nearby residential areas.

Proposed: The proposed development will retain the existing pedestrian sidewalks and improvements.

*Preservation of Tree Canopy and Vegetation:*

Existing: Existing tree canopy is described in the response to SMC 25.09.260.B.2.b.

Proposed: Proposed planting of additional trees and vegetation is described in the response to SMC 25.09.260.B.2.b.

*Summary for SMC 25.09.260.B.3.c:*

The proposed residence meets the required development standards. The 'parent' lot meets lot coverage and yard development standards. The entire parent lot would have more residential square footage than nearby development, and the proposed new residence would be somewhat larger in size than the average for the area. However, the area includes a wide range of residential sizes and styles, and the proposed development would fall within the range of development found in the surrounding neighborhood. The proposed lot coverage is far below the average for nearby lots, and far below the maximum allowed in the Land Use Code.

If the subject property were developed with one single family lot under the Land Use Code requirements allowed by right, a new single family structure could easily exceed the height, bulk, and scale of the two structures on one lot that would result from this application. The creation of two unit lots and two separate structures with open space on the eastern portion of the site therefore may result in less height, bulk and scale than could otherwise be developed under Land Use Code requirements.

The applicant has proposed planting additional trees and shrubs. The pedestrian environment would be consistent with existing neighborhood character.

The proposal is found to be reasonably compatible with and keeps the negative impact to a minimum regarding neighborhood character, land use, design, height, bulk, scale, yards, pedestrian environment, and preservation of tree canopy and vegetation, subject to the conditions listed below.

**C. Conditions.**

- 1. In authorizing an administrative conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions necessary to protect riparian corridors, wetlands and their buffers, shoreline habitats and their buffers, and steep slope areas and their buffers, and to protect other properties in the zone or vicinity in which the property is located.***

Conditions addressing the protection of steep slope areas, wetland areas, and their buffers are listed below. Conditions are associated with requirements in other sections of the Environmentally Critical Areas code (SMC 25.09) and are not exclusively applicable to the ECA ACU review.

- 2. In addition to any conditions imposed under subsection 1, the following conditions apply to all administrative conditional uses approved under this subsection:***

- a. Replacement and establishment of native vegetation shall be required where it is not possible to save trees or vegetation.***

The proposal includes a planting plan with vegetation in the proposed areas of tree and vegetation removal, and in the non-ECA portions of the site. The proposed additional vegetation is described in response to SMC 25.09.260.B.1.g above. The proposal meets this criterion.

- b. Where new lots are created, the provisions of Section 23.22.062, Unit lot subdivisions, or Section 23.24.045, Unit lot subdivisions, apply, regardless of whether the proposal is a unit lot subdivision, so that subsequent development on a single lot does not result in the development standards of this chapter being exceeded for the short subdivision or subdivision as a whole.***

The applicant has indicated that they will apply for a unit lot subdivision, which will be reviewed by DPD for compliance with SMC 23.24.045.

**DECISION – Administrative Conditional Use**

The proposal is **CONDITIONALLY GRANTED.**

**ANALYSIS - SEPA**

Due to the presence of potential slide environmentally critical areas, the application is subject to SEPA review. SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review included identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated April 13<sup>th</sup> 2014. The information in the checklist, supplemental information provided by the applicant (soils report), project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

#### Short-term Impacts

The following temporary or construction-related impacts are expected to the Environmentally Critical Areas on this site: soil erosion and sedimentation during general site work; and increased runoff. A discussion of potential impacts and mitigation follows.

#### Earth

The ECA Ordinance and Directors Rule (DR) 18-2011 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with landslide potential and/or a history of unstable soil conditions. The applicant has provided a geotechnical report, "Geotechnical Engineering Report, Residential Property, 5421 – 49<sup>th</sup> Ave SW, Seattle, Washington, File No. FAR2-14" by Tubbs Geosciences, dated December 11, 2006.

Future construction plans, including shoring of excavations as needed and erosion control techniques will be review by DPD geotechnical engineers. Any additional information showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 18-2011, and 3-94) will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are utilized; therefore, no additional conditioning is warranted pursuant to SEPA policies.

#### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces, and loss of plant and animal habitat.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage

Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

### **CONDITIONS – ENVIRONMENTALLY CRITICAL AREA ADMINISTRATIVE CONDITIONAL USE**

#### **Prior to Issuance of Master Use Permit**

1. Mark all areas on the plans west of the steep slope 15 foot buffer as “non-disturbance areas,” per SMC 25.09.060 and 25.09.335.
2. Permanent visible markers shall be placed along the edge of the Environmentally Critical Area and non-disturbance area. The markers shall be either reinforcing steel or metal pipe driven securely into the ground with a brass cap affixed to the top similar to survey monuments. The brass cap shall be visible at the ground surface and indicate the purpose of the marker. Markers shall be placed at all points along the delineation where the line changes direction. Show on the site plan the location of these permanent ECA markers. Provide evidence that these ECA markers are in place.
3. Submit a recorded copy of the non-disturbance ECA Covenant (form to be provided by DPD). The ECA Covenant shall include a legal description of the Environmentally Critical Area including buffer, and the location of the permanent visible markers.

#### **Prior to Issuance of Construction Permits**

4. Show on the site plans the location of the permanent ECA markers. Additionally, the building plans shall show the location of a temporary, durable, highly visible construction fence at the boundary between the construction activity area and areas of steep slope and steep slope buffer which are to be left undisturbed, per SMC 25.09.060.

**CONDITIONS – SEPA**

None.

Signature: (signature on file) Date: December 18, 2014  
Colin R. Vasquez, Senior Land Use Planner  
Department of Planning and Development

CRV:rgc  
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**IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT**

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at [prc@seattle.gov](mailto:prc@seattle.gov) or to our message line at 206-684-8467.